


**CERTIFICATION PURSUANT TO DELAWARE LOCAL RULE 7.1.1**

The undersigned hereby certifies that counsel for Plaintiff Magten Asset Management Corporation made reasonable efforts to reach agreement with counsel for the Defendant regarding the foregoing Motion to Exclude the Expert Report and Testimony of Stephen J. Scherf, to no avail.

Dated: January 31, 2008

  
Dale R. Dubé (DE No. 2863)